

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

10 JAN 11 PM 1:33

OFFICE OF THE CLERK

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SHAWN A. STEWART,)
)
Defendant.)

8:09CR283

ORDER

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SHAWN A. STEWART,)
)
Defendant.)

8:04CR444

ORDER

This matter is before the court on defendant's request for a neuropsychological evaluation pursuant to 18 U.S.C. § 3552(c). There is evidence that the defendant has sustained a closed head injury that might have altered his behavior. His condition may be relevant to disposition, treatment in the Bureau of Prisons and conditions for his supervised release. The court agrees that a neuropsychological evaluation is necessary in this case and will be of assistance to the court at sentencing. The Bureau of Prisons has requested that this examination be conducted by the private sector due to the backlog at the Bureau of Prisons currently being experienced for court-ordered evaluations.


The court agrees that a neuropsychological evaluation should be conducted in this case. The court further finds that such examination should be conducted by the private sector, and the court is of the opinion that such cost will be approximately \$2,500.00. Defendant is represented by CJA appointment, and thus such examination shall be paid from the CJA funds.

THEREFORE, IT IS ORDERED:

1. The defendant's attorney is authorized to retain a mental health professional to perform a presentence neuropsychological evaluation of the defendant and to prepare a written report of the findings.
2. The evaluation should include a general psychological profile as well as testing for the existence of identified organic and nonorganic neurological deficits.
3. The report shall include the information required pursuant to 18 U.S.C. § 4247(c). If the report includes an opinion by the examiners that the defendant is presently suffering from a mental disease or defect but that it is not such as to require his custody for care or treatment in a suitable facility, the report shall also include an opinion by the examiner concerning the sentencing alternatives that could best accord the defendant the kind of treatment he does need.
4. The United States Marshal is directed to hold the defendant in the Douglas County, Nebraska - Council Bluffs, Iowa area until completion of the defendant's evaluation.
5. The defendant's attorney is directed to notify the United States Marshal when the defendant's evaluation is complete.
6. The evaluation should be completed **on or before March 5, 2010.**
7. Upon receipt of the evaluation report but in no event less than 30 days before the defendant's scheduled sentencing, the defendant's attorney shall provide a copy of the report to the United States Attorney.


DATED this 8th day of January, 2010.

BY THE COURT:


Chief District Judge

Authorization to incur the foregoing services
under 18 U.S.C. § 3006A(e)(e) is approved

** 2,500 @ *200/hr.*


James B. Loken, Chief Judge
Eighth Circuit Court of Appeals